

MINUTES

BOARD OF ADJUSTMENT

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference and Regular Meeting

May 9, 2013

The Conference and Regular Meeting of the Board of Adjustment was called to order at 7:30 PM in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Roll Call:

Members present were Mr. Bussiculo, Mr. Smith, Mr. Siburn, Mr. Delia and Mrs. Granholm. Mr. Miller, Mr. Boyer, Mr. Minkoff and Mr. Sullivan were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Informal Review of New Applications:

App. #12-13: William J. Manning, Jr., 57 Hampton Drive, Block 3205, Lot 6 (R-20 Zone)

Proposed 400 sq. ft. increase in driveway width from the street to the house would result in exceeding the 10% "Other Coverage" limit. Nonconforming conditions are lot area, lot width and principal front-yard setback. Relief is needed from Section 6.1.1B., "Schedule of General Regulations."

Wayne and Victoria Manning stated that they want to widen their driveway by 10'. The driveway is now a one car width and they have a one car garage. The dimensions of the proposed new driveway will be 20' x 40'. They also want to open the apron to the street and know that they will have to go to the town for approval for that.

In response to questions from the Board, Mrs. Manning stated that they do not propose to put Belgian blocks on the new side of the driveway. It was noted that the existing shed is too close to the property line.

The application was deemed complete and scheduled for hearing on May 23. The applicants were instructed to send the appropriate notice and to bring photos of the neighboring properties showing how the driveway will impact the neighbors.

Application for Review:

App. #8-13: Richard Ham, 28 Forest Avenue, Block 504, Lot 37 (R-15 Zone)

Expansion of a nonconforming single-family dwelling does not comply with front-yard setback requirements. In addition, building coverage and total lot coverage ratios are exceeded. The nonconforming conditions are lot area, lot width, principal front-yard setback, side-yard setbacks, building coverage and total lot coverage. Also, the existing driveway is 6" over the property line. Relief is needed from Sections 6.1.1B, "Schedule of General Regulations" and 8.1.1B, "Expanding a Nonconforming Single-family Dwelling."

Richard Ham was sworn. Tom Hofmann, architect was sworn and accepted as an expert witness.

Mr. Ham stated that he is proposing to build an addition to enlarge one of the bedrooms in his house and expand the existing front porch and put a roof over it.

Mr. Hoffman presented Exhibits A-1 through A-5 – photographs of the front of the house showing the existing conditions including views from the street and from the neighboring properties and Exhibit A-6 – plans.

In response to questions from the Board, Mr. Hofmann explained how the addition will be done and stated that the materials to be used will match the rest of the house.

Open to Public

The hearing was opened to the public for questions or comments regarding the application. There were no members of the public who had questions or comments.

A motion was made by Mr. Smith, seconded by Mr. Delia, to approve Application #8-13: Richard Ham, 28 Forest Avenue, Block 504, Lot 37 (R-15 Zone), including a variance for the driveway up to the applicant's property line, subject to the standard conditions that shall be set forth in a Resolution of Memorialization to

be adopted by the Board at a future meeting. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith, Mr. Siburn, Mr. Delia and Mrs. Granholm voting in favor. There were none opposed.

App. #11-13: Edward Delia, 294 Garfield Street, Block 209, Lot 7 (R-10 Zone)

Relief is needed from Section 6.1.1B and Section 11.1.7A for expansion of existing driveway which resulted in "Other Coverage" being exceeded and also for being less than the required 5 feet from the lot line. Nonconforming conditions are lot width, principal side-yard setback, combined side-yard setback, and existing accessory structure (shed) less than the required five feet from the property side line.

Mr. Delia recused himself from this application since he is related to the applicant.

Edward Delia stated that he is requesting a variance for impervious coverage with respect to his driveway. He does not plan to pave the driveway now but may want to do so in the future. The zoning officer told him he needs a variance because he considers the driveway to be impervious.

In response to questions from the Board, Mr. Delia stated that the house has a walk-out basement and he would like to be able to park in the back of the house. He cannot fit more than two cars in the front and the street is too narrow for parking. Grant Street and Garfield Street are both front yards and Grant Street is an unpaved paper street. There is a sewer plant behind his property. He owns the property next door and the driveway is on the property line.

Discussion took place and it was determined that the Board members should visit the property to observe the conditions. Mr. Bernstein noted that the impervious coverage will be .64% over what is allowed and advised that this would not be a commercial property if he is only fixing his own cars.

The application was deemed complete and scheduled for hearing on May 23. The applicant was instructed to send the appropriate notice and to bring photos of the property and the neighboring properties. Members of the Board will visit the property before the hearing.

Mr. Delia returned to the meeting.

App. #10-13: Firestone, 292 Springfield Avenue, Block 801, Lot 27 (HB-2 Zone)

Addition of lean-to roof attached to the rear of the existing building. Relief is needed from: Section 6.1.1B, "Schedule of General Regulations" because the roof addition does not conform to the principal rear-yard setback requirements and Section 10.6.3D.4 which sets forth buffering requirements.

Mr. Bernstein advised that this applicant is seeking a rear yard variance, a variance for the absence of buffering and a site plan waiver. There will be no change in impervious coverage and the Board can grant a site plan waiver if they believe that an engineered plan is not needed.

Paul Wigg-Maxwell, attorney for Firestone, who is the tenant on the property, stated that the applicant is proposing the addition of a lean-to roof attached to the rear of the existing building to cover the area where used oil filters are collected and then picked up for reprocessing. The purpose of the overhang is to keep water from accumulating and to enhance the appearance.

Mr. Bernstein suggested that a representative of the company be present at the hearing to explain what precautions are taken in the storage of the materials.

Mr. Wigg-Maxwell stated that he will arrange for a representative of the local store and the property management team to attend the hearing to address that issue. He further stated that there are residences behind the property with a series of fences. When the building was built the required setback was 30' and now it is 60'.

Further discussion took place and it was suggested that the applicant check the lighting to make sure it does not negatively impact the neighbors.

Discussion took place regarding whether or not a site plan is required and the consensus of the Board was in favor of granting the site plan waiver. The applicant should present information about how the drainage will be handled.

The application was deemed complete and scheduled for hearing on May 23. The applicant was instructed to send the appropriate notice and to bring photos of the property and the neighboring properties.

Adoption of Resolution:

App. #6-13: Patrick & Rosemarie Henry, 107 Hillside Ave., Block 2506, Lot 16 (R-15 Zone)

Proposed one-story principal addition plus in-ground pool with large paver patio surround to include an outdoor kitchen result in accessory and total lot coverage limits being exceeded. The driveway, which is not being changed, is an existing nonconforming condition due to its 24' width (maximum allowed 18').

A motion was made by Mr. Delia, seconded by Mr. Siburn, to adopt the above Resolution. The voice vote was unanimous with Mr. Bussiculo, Mr. Smith, Mr. Siburn, Mr. Delia and Mrs. Granholm voting in favor.

Approval of Minutes

April 25, 2013 Regular Meeting

A motion was made by Mrs. Granholm, seconded by Mr. Siburn, and carried by unanimous voice vote to adopt the minutes of the April 25, 2013 Regular Meeting as presented.

Adjournment:

A motion was made by Mr. Siburn, seconded by Mr. Smith, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 8:30 PM.

Regina Giardina, Secretary Pro Tem